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THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

Letter dated 23 March 1994 from the Permanent Representative of Belize to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the enclosed letter from the Minister of Foreign Affairs of Belize, Dean Oliver Barrow, concerning the regional and general relations and policy of Belize, particularly with reference to its territorial (including maritime) limits.

In this connection, I recall a letter dated 10 March 1994 addressed to you by Mr. Julio Armando Martini Herrera, Ambassador and Permanent Representative of Guatemala to the United Nations, and request your kind assistance in circulating the text of the present letter and its annex as an official document of the General Assembly, under item 43 of the preliminary list.

(Signed) Edward A. LAING
Ambassador
Permanent Representative

* A/49/50.

ANNEX

Letter dated 22 March 1994 from the Minister for Foreign Affairs of Belize to the Secretary-General

I have the honour to refer to a letter dated 4 March 1994 addressed to you by the distinguished Minister of Foreign Affairs of Guatemala (A/49/94, annex). That letter belatedly refers to a letter, dated 22 April 1992, from the Chargé d'affaires a.i. of the Permanent Mission of Belize to the United Nations (A/47/173-S/23837). The annex to that letter is, in fact, a document containing extracts of a statement delivered by the then Minister of Foreign Affairs of Belize on 3 April 1992.

I

In that statement of 3 April 1992, my predecessor notes the passage, on 17 January 1992, of the Maritime Areas Act, whereby Belize, inter alia, exercises its right to claim a territorial sea of 12 miles. I would now like to point out that prior to the passage of the Act Belize had unequivocally reserved that right under international law, and had, by notes of July 1940 and July 1961, of the Government of Great Britain, vigorously protested Guatemala's claims to territorial waters in excess of three miles, particularly in so far as these encroached on Belizean rights. While so reserving its rights, as a good neighbour and pending an agreement with Guatemala on the delimitation of their adjacent waters, Belize facilitated Guatemala's unimpeded access to the high seas in the area where Belize's southern waters and adjacent Guatemalan waters intersect.

In the Maritime Areas Act, Belize forbore from extending its territorial seas out from three miles to 12 miles in the specific area of intersection. This was done, as a temporary measure and as an act of good faith, following Guatemala's juridical recognition of Belize's independent Statehood on 5 September 1991. Section 3 of the Act makes it clear that this forbearance was "to provide a framework for negotiation of a definite agreement" on delimitation; and that, failing such agreement or its approval in a referendum in Belize, delimitation would be effected on the basis of international law. Equally, if negotiations do not occur or are not concluded, Belize will continue to enjoy its rights under international law.

II

The letter of 4 March 1994 reflects Guatemala's position on several matters which are herein addressed under the same numerals as in that letter:

1. Belize appreciates Guatemala's reaffirmation of its recognition of Belize's independent Statehood and reciprocates the sentiments regarding the ordering of relations between States on the basis of international norms. Like Guatemala, Belize stresses the maintenance of solidarity, cooperation and friendship with neighbouring countries.

2. Belize concurs in Guatemala's statement of adherence to the salient principles of the Charter of the United Nations, especially those which mandate peaceful settlement of disputes in accordance with justice and customary and conventional international law.

3. The Government of Belize expresses its earnest desire to continue direct discussions concerning whatever territorial dispute or difference Guatemala deems to linger.

4. The full maritime entitlements of Belize are clearly stated in international law. They are reiterated in the laws of Belize and have been fully acknowledged in a note dated 13 February 1992, from the Minister of Foreign Affairs of Guatemala. In that note, he stated that a January 1992 advertisement by the Guatemalan Ministry of Energy and Mines, for the exploration of oil, which contained an erroneous map, was inadvertent ("involuntario"); was not cleared by the Minister of Foreign Affairs; and was not intended to create friction with Belize. In an advertisement of July 1992 in the same magazine, and in accordance with the note of 13 February 1992, the error was not repeated. Then in a document dated 31 July 1992, both States amicably and legally affirmed that, pending a final treaty, their land boundaries would be "based on the existing reference monuments", that is to say, as set forth in the Constitution of Belize.

5. The Government of Belize does not acknowledge the validity of any territorial claim but will discuss any dispute or difference as stated in paragraphs 3 and 7 hereof.

6. The Belize Maritime Areas Act asserts no jurisdiction that is inconsistent with customary and conventional international law. Furthermore:

(a) The breadth of Belize's territorial sea is as provided by international law, or otherwise by the said Act, according to its specific terms, as stated in section I above;

(b) Belize stands by its entitlement to a 12-mile territorial sea subject to the rule of equidistant lines as provided in international law and subject to the Maritime Areas Act to the extent specified in section I above. As noted, protests have been and hereby are lodged against any and all Guatemalan claims and/or acts, past, present and future, in violation of international law;

(c) The Government of Belize asserts no claim to Guatemalan internal waters as defined by international law;

(d) In their respective territorial seas as provided by international law or by agreement between Belize and Guatemala, both States can exercise such jurisdiction as provided by international law;

(e) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the United Nations Convention on the Law of the Sea of 1982,

of the evolution into customary international law of the Convention's definition and regulation of maritime areas, including the exclusive economic zone. In this connection, Belize notes Guatemala's incorporation of the language of article 59 of the Convention. Any joint exploration would have to be a matter for negotiation and agreement;

(f) The Government of Belize welcomes Guatemala's acknowledgement, as a non-party to the United Nations Convention on the Law of the Sea, of the evolution into customary international law of the Convention's definition and regulation of the continental shelf. Belize notes Guatemala's incorporation of the language of articles 76 and 77 of the Convention, and stands by its categorization of the events of February 1992 in paragraph 4 above. Again, Belize stands ready to negotiate all legitimate and pertinent issues.

7. The Government of Belize notes that any dispute or difference with Guatemala is not of Belize's making. It reiterates its willingness to continue negotiations with the Government of Guatemala to find a peaceful and just solution and to enter into improved relations and cooperation. To that end, Belize requests you to use your good offices to encourage an early meeting of the parties.

(Signed) Dean O. BARROW
Deputy Prime Minister and
Minister of Foreign Affairs